

REMARKS

Reconsideration of this application is now being requested. Claim 1-20 are in this application. Claims 1 and 14 have been amended.

The disclosure were objected to because of a number of informalities. Appropriate amendments to the disclosure have been made to address the informalities.

Claim 1 was objected to because of an informality associated with information in a claim that is enclosed in parenthesis. Appropriate amendment to claim 1 has been made to remove the parenthesis.

Claim 14 was objected to because the limitation “the first variable step” lacked antecedent basis. Claim 14 has been amended to recite “a first variable step.”

Claims 1, 3-6, 10 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klayman et al (USP 5699365), in view of Ngoc et al (USP 6539031), and further in view of Kang et al, “Region and Time Based Unequal Error Protection for Video Transmission Over Mobile Links.” Specifically, it was alleged in the office action that the Kang reference teaches that by adapting rate changes to video errors on a frame by frame basis instead of an overall group basis, error protection is improved. It was then alleged that one of ordinary skill in the art would be motivated to provide a higher priority to video error protection and that this higher priority would include real-time temporal feedback for one category, as opposed to a lower priority normal feedback for another category. Applicant respectfully disagrees. First, the Kang reference teaches a combined source channel coding approach to unequal error protection based on regional and temporal sensitivity to error propagation using RCPC coding. More specifically, it teaches using different coding rates for different regions in accordance with a coding policy applied in a cyclic manner with period k. It appears to applicant that the Kang reference teaches updating coding rates. What is not clear is how updating coding rates would be suggestive or motivation to one of ordinary skill in the art to adjusting channel condition thresholds, as required by claim 1. Coding rates does not correspond to a rate at which coding change. Coding rates relate to coding types which may be applied to data, whereas channel condition thresholds relate to limits for a channel parameter. These are not the same things. Thus, applicant does not see how one of

ordinary skill in the art would be motivated to apply coding rate techniques to channel condition thresholds. Second, the Kang reference has nothing to do with feedback priority. It does not teach or even suggest using a lower or higher priority for feedback. The Kang reference teaches using different coding rates for different regions. All coding rates for the different regions appear to be updated at the same time, i.e., every period  $k$  (not every frame). Thus, it is unclear to applicant how one of ordinary skill in the art would be motivated to provide a higher priority to video error protection and that this higher priority would include real-time temporal feedback for one category, as opposed to a lower priority normal feedback for another category.

Even if it can be shown that the Kang reference would motivate one of ordinary skill in the art to provide a higher priority to video error protection and that this higher priority would include real-time temporal feedback for one category, as opposed to a lower priority normal feedback for another category, applicant still does not believe that the combination of the Klayman, Ngoc and Kang references would render claim 1 obvious. The present invention, as recited in claim 1, basically involves a determination of when to adjust a channel condition threshold. The present invention applies both a non-discriminatory and a discriminatory technique for adjusting the channel condition threshold. Specifically, for a first category, a non-discriminatory technique is used to adjust the channel condition threshold in response to “any error detection result.” For a second category, a discriminatory technique is used to adjust the channel condition threshold in response to a “last error detection result.” The last error detection result, as described in the specification at page 11 lines 14-31 and claim 3, is an error detection result associated with the final transmission of the associated data packet. That is, for the second category, the channel condition threshold is not adjusted after every transmission or re-transmission of a data packet (as with the first category); rather the channel condition threshold is adjusted after completion of any and all transmissions, including re-transmissions, of a data packet.

By contrast, none of the three references cited, alone or in combination, discloses, teaches or otherwise suggests discriminatorily adjusting a channel condition threshold. Specifically, it has not even been alleged in the office action that any of the references teaches a discriminatory technique for adjusting the channel condition threshold in response to a last error detection result if the data packet being transmitted belongs to a particular category. For these reasons, it is felt that claim 1 is patentable under 35 U.S.C. 103(a) over Klayman, in view of Ngoc, and further in view of Kang. Claims 3-6, 10 and 12-13 depend upon, and include all the limitations of, claim 1 and are also felt to be patentable under 35 U.S.C. 103(a) over Klayman, in view of Ngoc, and further in view of Kang.

Serial No. 10/033,335

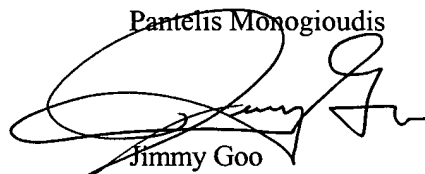
Claims 2, 11 and 14-20 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Klayman, in view of Ngoc, further in view of Kang et al, and even further in view of either Chen et al (USP 6658919) or Ayanoglu et al (USP 5600663). Claims 2, 11 and 14-20 depend upon, and include all the limitations of, claim 1 and are also felt to be patentable under 35 U.S.C. 103(a) over Klayman, in view of Ngoc, further in view of Kang, and even further in view of either Chen or Ayanoglu.

Allowance of the application, as amended, is respectfully being requested.

Respectfully submitted,

Sridhar Gollamudi

Pantelis Monogioudis

A handwritten signature in black ink, appearing to read "Jimmy Goo", is written over the printed name "Jimmy Goo". The signature is stylized with a large loop at the beginning and a long horizontal stroke.

Jimmy Goo

Reg. No. 36,528

Date: 06 October 2004